



PLANNING PROPOSAL

BEING AN AMENDMENT TO KU-RING-GAI LOCAL ENVIRONMENTAL PLAN (LOCAL CENTRES) 2012

PROPOSAL TO RECLASSIFY COUNCIL OWNED LAND AT 176 MONA VALE ROAD, ST IVES FROM COMMUNITY LAND TO OPERATIONAL LAND

June 2017

**Prepared for
Ku-ring-gai Council**

**By
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PART 1 – OBJECTIVES

1.1 Overview

This Planning Proposal contains an explanation of the intended effect and justification for a proposed amendment to the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (“KLEP 2012”). The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (“the EP&A Act”) and the relevant Department of Planning guidelines including ‘A Guide to Preparing Local Environmental Plans’ and ‘A Guide to Preparing Planning Proposals’ (“the guidelines”).

This Planning Proposal seeks an amendment to KLEP 2012 to reclassify land at 176 Mona Vale Road, St Ives (“the site”) from community land to operational land. The site and surrounding area are shown in **Figures 1, 3A and 3B** accompanying this Planning Proposal.

At the Ordinary Meeting of Council on 10 December 2013, Council considered a report recommending that Council commences the process of reclassification for three parcels of land being: the Council car park known as 176 Mona Vale Road (to which this Planning Proposal relates); the Village Green Parade (which includes a Council car park, St Ives Library, St Ives Early Childhood Centre and St Ives Neighbourhood Centre); and a Council car park known as 11-21 Cowan Road, St Ives.

A copy of the minutes to the Ordinary Meeting of Council on 10 December 2013 is provided at **Appendix 1** to this Planning Proposal. As detailed in the minutes, Council resolved as follows:-

- “A. *That a Planning Proposal be prepared, in accordance with section 55 of the Environmental Planning and Assessment Act, 1979, to reclassify the council car park known as 176 Mona Vale Road, St Ives, being Lot 103 in DP627012 & Lot 105 in DP629388, from community land to operational land via an amendment the Ku-ring-gai LEP Local Centres (2012).*”

BBC Consulting Planners has been engaged by Ku-ring-gai Council to prepare a Planning Proposal in relation to the above resolution.

In accordance with Section 55 of the EP&A Act, this Planning Proposal seeks to explain the intended effect of the proposed instrument and sets out the justification for making the proposed instrument. This Planning Proposal addresses matters that are intended to be included in the Ku-ring-gai Local Environmental Plan (Local Centres) 2012.

Section 45 of the Local Government Act 1993 (“the Act”) prevents Council from selling, exchanging or otherwise disposing of community land. Accordingly, it is proposed to reclassify the land at 176 Mona Vale Road, St Ives from community land to operational land in accordance with Section 27 of the Act which states that classification or reclassification of public land may be made by a local environmental plan.

1.2 Some Definitions

Department of Planning and Environment *Practice Note PN09-003 Classification and reclassification of public land through a local environmental plan* contains some definitions of terms used in this planning proposal.

Public land is any land (including a public reserve) vested in, or under the control of, council. Exceptions include roads, land to which the Crown Lands Act 1989 applies, a common, or land to which the Trustees of Schools of Arts Enabling Act 1902 applies.

Community land is generally open to the public, for example, parks, reserves or sports rounds.

Operational land may be used for other purposes, for example, as works depots or garages, or held by council as a temporary asset.

Classification of public land refers to the process when this land is first acquired and first classified as either 'operational' land or 'community' land.

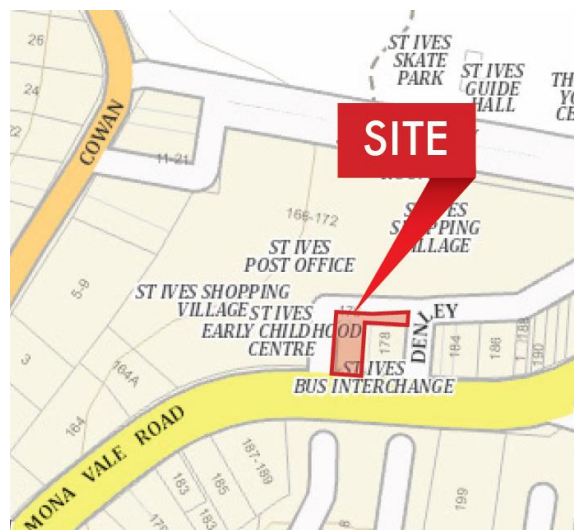
Reclassification of public land refers to the process of changing the classification of 'operational' land to 'community' land or from 'community' land to 'operational' land.

Land classified as Community land means that Council cannot sell, exchange or grant an interest to another party other than in accordance with the provisions of the Local Government Act 1993.

Land classified as Operational means that Council can sell, exchange or grant an interest to another party other than in accordance with the provisions of the Local Government Act 1993.

1.3 Land to which this Planning Proposal relates

The land to which this Planning Proposal relates is the Council car park at St Ives Shopping Village known as 176 Mona Vale Road ("the site"). The site is identified in below (in red).



The site comprises Lot 103 in Deposited Plan 627012 and Lot 105 in Deposited Plan 629388 and has an area of 776 square metres. Both lots are owned by Ku-ring-gai Council. The site has a roughly L-shaped configuration and comprises a single lane vehicular access road (Denley Lane) and a paved car park associated with St Ives Shopping Village.

Figures 3A and 3B in Part 4 of this planning proposal illustrate features of the site relative to its adjoining land uses.

A search of Council records indicates the following:

- Lot 103 in DP 627012 was part of a larger parcel of land acquired by Ku-ring-gai Council in 1961 for the purpose of a baby health centre and or library or other public purpose and for the parking motor and other vehicles by members of the public. The baby health centre and library have subsequently been constructed on land adjoining the shopping centre to the north. The car parking use remains on the site. The Lot has a total area of 647 square metres.

The Certificate of Title indicates that Lot 103 is subject to:

- i. a caveat referring to the above uses
 - ii. a covenant to the effect that no building constructed on the land be valued less than £400.
 - iii. a right of carriageway affecting a small (0.09sqm) triangular portion of the south east corner of the lot. This is a remnant of a larger right of carriageway which also affected the adjoining lot (Lot 4 in DP 627012). The right of carriageway has since been removed from the adjoining lot.
- Lot 105 in DP 629388 was acquired by Ku-ring-gai Council in 1987 for the purpose of access to the car park. This parcel of land was transferred to Council in exchange for Lot 4 in DP 627012. The Lot has a total area of 134.3 square metres.

The Certificate of Title indicates that Lot 105 benefits from a right of carriageway on Lot 103 in DP 627012.

The land to which this planning proposal relates is classified as Community land.

Relevant land title documents are included in Appendix 2 of this planning proposal.

1.4 Existing Planning Controls

The table below details existing planning controls and development standards contained within KLEP 2012 that apply to the two lots to which this Planning Proposal relates.

Planning Control	Lot 103 in DP 627012	Lot 105 in DP 629388
Land Zoning	B2 Local Centre	B2 Local Centre
FSR (n:1)	1.6:1	1.6:1

Planning Control	Lot 103 in DP 627012	Lot 105 in DP 629388
Maximum Height of Building	14.5 metres	14.5 metres
Minimum Subdivision Lot Size	No minimum lot size	No minimum lot size
Riparian Land and Waterways	No relevant controls	No relevant controls
Biodiversity Protection	No relevant controls	No relevant controls
Ground Floor Development in Business Zones	Land is subject to LEP Clause 6.6 which seeks to ensure that active uses are provided at the street level in business zones to encourage the presence and movement of people.	Land is subject to LEP Clause 6.6 which seeks to ensure that active uses are provided at the street level in business zones to encourage the presence and movement of people.
Minimum street frontages for lots in business zones	Development consent must not be granted for a building of more than two storeys on land in Zone B2 if the site does not have a primary street frontage of at least 20 metres.	Development consent must not be granted for a building of more than two storeys on land in Zone B2 if the site does not have a primary street frontage of at least 20 metres.
Heritage	No relevant controls	No relevant controls
Bushfire Prone Land	Not bushfire prone land	Not bushfire prone land

Figures 4A, 4B and 4C in Part 4 of this Planning Proposal demonstrate the current zoning and development standards that apply to the subject site. There are no draft planning controls that apply to the site.

1.5 Objectives of the Proposed Local Environmental Plan

Council considers that the St Ives Shopping Village is a focal point for the community of St Ives and together with the Village Green, it is at the heart of the community.

Council's vision for the area is set out in the Town Centres Public Domain Plan, 2010; the Ku-ring-gai Contributions Plan, 2010; the Ku-ring-gai Local Environmental Plan (Local Centres), 2012 and the Local Centres DCP. The key elements are:

- a new town square;
- a new free-standing, Council-owned, multi-purpose community facility;
- a new one-way Village Green Parade;
- a pedestrian promenade;
- partial closure of Denley Lane;
- streetscape improvements;
- closure of Durham Lane for a new civic space; and

- traffic and parking improvements.

The owners of St Ives Shopping Centre have expressed their vision for the shopping centre and are of the view that their vision is aligned with Council's vision as expressed in Council's Public Domain Plan. The shopping centre owners are working on plans for the revitalisation of the shopping centre.

Council's Community Strategic Plan 2030 (CSP), identifies the revitalisation of our centres as an important long term objective for the community. Specifically our community desires that the St Ives, Lindfield and Gordon centres offer a broad range of shops and services and contain lively urban village spaces and places where people can live, work, shop, meet and spend leisure time.

The CSP endorses Council's role to lead, facilitate and deliver the following for St Ives:

- Plans to revitalise local centres are being progressively implemented and achieve quality design outcomes in collaboration with key agencies, landholders and the community.
- Planning opportunities are investigated for the revitalisation of the St Ives Centre and surrounding precincts in collaboration with owners, developers, government agencies and local residents.

In this context, it is appropriate for Council to consider using its landholdings to assist in facilitating the redevelopment of the St Ives Shopping Centre, whilst capitalising on the returns to Council and the potential community benefits. The reclassification of Council-owned land from community to operational land facilitate redevelopment of the shopping centre and the implementation of public domain improvements.

The coordinated and orderly use of land would be best facilitated by classifying the site as operational land to enable Council to respond to new economic opportunities and implement planning strategies pursuant to KLEP 2012.

PART 2 – EXPLANATION OF PROVISIONS

This section establishes the means through which the objectives of the Planning Proposal as described in Part 1 will be achieved via an amendment to KLEP 2012. The Planning Proposal will result in the following amendments to the KLEP 2012:-

- Amendment of Schedule 4 ('Classification and reclassification of public land') by inserting the following in Part 2 ('Land classified, or reclassified, as operational land – interests changed') of that Schedule:

Under Column 1	Under Column 2	Under Column 3
Locality	Description	Any trusts etc not discharged
St Ives	Lot 3 in DP 627012, known as 176 Mona Vale Road, St Ives, identified as operational land.	Nil
St Ives	Lot 105 in DP 629388, known as 176 Mona Vale Road, St Ives, identified as operational land.	Nil

Ku-ring-gai Council supports the Planning Proposal for the reclassification of land at 176 Mona Vale Road from community land to operational land. The Planning Proposal will allow Council to sell, exchange, or otherwise divest of or deal with the site.

Upon reclassification to operational land, the site will be available for divestment (if required); this would be conducted in accordance with the procedures outlined in Council's *Acquisition and Divestment of Land Policy* (September 2009) and with relevant provisions of the Local Government Act 1993. The future divestment of the site would be the subject of a separate report to Ku-ring-gai Council following the proposed reclassification.

This Planning Proposal, when finalised, will discharge any trusts, estates, interests, dedications, conditions, easements, restrictions, or covenants affecting the land holdings.

PART 3 – JUSTIFICATION

This section establishes the reasons for the proposed outcomes of the Planning Proposal and proposed amendments to the KLEP 2012.

The following questions are set out in the NSW Department of Planning and Infrastructure guideline '*A Guide to Preparing Planning Proposals*'. The questions address the need for the Planning Proposal, its strategic planning context, the environmental, social and economic impacts and the implications for State and Commonwealth government agencies.

Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

Yes. Council resolved, at the Ordinary Meeting of Council held on 10 December 2013, to prepare a Planning Proposal to reclassify the site from Community land to Operational land, including the car park known as 176 Mona Vale Road. The reclassification of land will facilitate future planning and redevelopment of the St Ives Shopping Village.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The site is currently classified as Community land; therefore Council is not able to develop, sell, exchange, or dispose of community land under the provisions of the Local Government Act 1993. Amending KLEP 2012 would be the only means of achieving the objectives of the Planning Proposal. A Planning Proposal for the site is therefore considered appropriate.

Section B – Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. This planning proposal is consistent with applicable regional and subregional strategies as detailed below.

In December 2014, the NSW Minister for Planning released '*A Plan for Growing Sydney*' ("the Plan"). This supersedes the '*Metropolitan Plan for Sydney to 2036*'. The objective of the Plan is to guide land use planning decision for the next 20 years with a focus on accommodating Sydney's future population growth. Actions contained in the Plan focus on aligning subregional planning and concentrating development around established centres.

A key objective of the Plan is the focus towards investment and employment growth in various 'Strategic Centres' and 'Priority Growth Areas' with access to public transport. The Planning Proposal, in conjunction with the zoning and controls of KLEP 2012, will allow the site to be developed for commercial or business uses that have access to public transport.

The Greater Sydney Commission exhibited the Draft District Plans in November 2016. The Draft District Plans are the link between the State Government's Greater Sydney Region Plan – A Plan for Growing Sydney – and councils' Local Environmental Plans. Ku-ring-gai is located within the Draft North District Plan. The planning proposal is consistent with the vision of the District Plans to achieve a productive, liveable and sustainable city. Specifically, the planning proposal will address the following Productivity Priorities within the Draft North District Plan:

- Productivity Priority 2: Manage growth and change in strategic and district centres and, as relevant, local centres.
- Productivity Priority 3: Prioritise the provision of retail floor space in centres.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes. The Planning Proposal is consistent with the Ku-ring-gai Community Strategic Plan 2030 ("Community Strategic Plan") which includes references to implementing planning objectives for identified. The subject site is located within the St Ives local centre.

The Community Strategic Plan is based around the following principle activity areas that align with Council's Management Plan:-

- Community Development;
- Urban environment;
- Natural environment;
- Planning and development;
- Civic leadership and corporate services; and
- Financial sustainability.

The proposed reclassification of land is consistent with the Community Strategic Plan 2030 as detailed below.

Under the *Community Development* principle activity, the proposed reclassification from community land to operational land will assist in achieving the aims to make Council's community and cultural programs and services accessible and affordable and to meet current and future community needs.

Under the *Urban Environment* principle activity, the proposed reclassification will assist in the aim that Council's assets are managed effectively to meet community needs and standards within available resources. The reclassification will assist in the aim of respecting and actively participating in the care and management of the environment. The site already operates as a car park therefore its reclassification will not result in a significant loss to the natural environment.

Under the *Planning and Development* principle activity, the proposed reclassification will ensure that the prevailing urban area will continue to contribute to commercial activity.

Under the *Financial Sustainability* principle activity, the proposed reclassification will assist in meeting the aim that Council effectively manages its financial position to meet community expectations for projects and service delivery. The reclassification of the land to operational status will assist Council to consider the sale of the land. Council has an adopted 20 year long term financial model to assist in the financial planning and delivery of strategic projects.

The CSP identifies the revitalisation of our centres as an important long term objective for the community. Specifically our community desires that the St Ives, Lindfield and Gordon centres offer a broad range of shops and services and contain lively urban village spaces and places where people can live, work, shop, meet and spend leisure time.

The CSP endorses Council's role to lead, facilitate and deliver the following for St Ives:

- Plans to revitalise local centres are being progressively implemented and achieve quality design outcomes in collaboration with key agencies, landholders and the community.
- Planning opportunities are investigated for the revitalisation of the St Ives Centre and surrounding precincts in collaboration with owners, developers, government agencies and local residents.

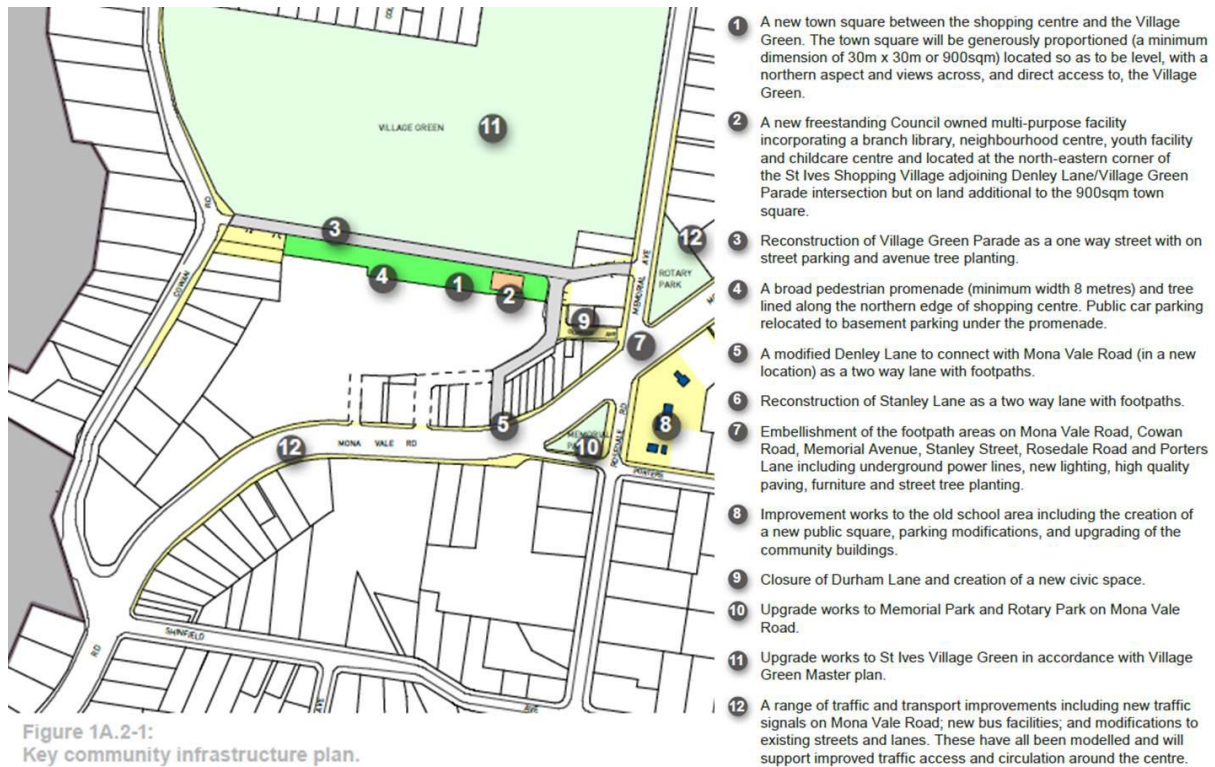
The *Ku-ring-gai Sustainability Vision 2008-2033* report forms the foundation of Council's sustainability plan spanning 25 years from 2008 to 2033. One of the vision statements in the report is to create a "creative and liveable" Ku-ring-gai local government area. The Planning Proposal is consistent with the vision in that the disposal of underutilised land will enable commercial development of the site in an accessible area, creating an improved liveable environment.

'*Ku-ring-gai Integrated Transport Strategy July 2011*' presents a vision and strategic framework for integrated transport and assigns objectives to short (5 years) and long term (10 years) time frames. The Planning Proposal is not inconsistent with these objectives.

Council's vision for the area is set out in the Town Centres Public Domain Plan, 2010; the Ku-ring-gai Contributions Plan, 2010; the Ku-ring-gai Local Environmental Plan (Local Centres), 2012 and the Local Centres DCP 2013. The key elements of the public domain plan for the St Ives town centre are:

- a new town square;
- a new free-standing, Council-owned, multi-purpose community facility;
- a new one-way Village Green Parade;
- a pedestrian promenade;
- partial closure of Denley Lane;
- streetscape improvements;
- closure of Durham Lane for a new civic space; and
- traffic and parking improvements.

These measures are indicated in the following diagram from the Local Centres DCP 2013.



Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following table identifies the key applicable SEPPs and outlines this Planning Proposal's consistency with those SEPPs. A checklist of compliance with all SEPPs is contained at **Appendix 3**.

SEPP	Comment on Consistency
SEPP 55 Remediation of Land SEPP 55 requires a planning authority to give consideration to contamination issues when rezoning land which allows a change of use that may increase the risk to health or the environment from contamination and requires consideration of a report on a preliminary investigation where a rezoning allows a change of use that may increase the risk to health or the environment from contamination.	Consistent. The zoning and development standards are not changing as a result of this Planning Proposal. Any land contamination matters that arise at the time of the development of the site will be a matter for the development assessment process. Council has undertaken a Phase 2 Detailed Site Investigation (DSI) for the site (refer to Appendix 5). The DSI concludes that the site is unlikely to be a material source of groundwater contamination risk to freshwater aquatic ecosystems and considers that the

SEPP	Comment on Consistency
	site would be suitable, from a contamination perspective, for a commercial or mixed use land use scenario.

SREP	Comment on Consistency
SREP20—Hawkesbury-Nepean River SREP 20 includes considerations, policies and strategies that should be taken into consideration in the preparation of each environmental planning instrument that are aimed to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.	Consistent. All development is required to manage drainage and stormwater arising from the development at the time of the Development Application.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table identifies the proposal's consistency with relevant Ministerial Directions.

Section 117 Directions	Consistency of Planning Proposal
1.1 Business and Industrial Zones <u>Objectives</u> (1) The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Consistent. The Planning Proposal will allow the site to be redeveloped in a way that will encourage employment growth. The proposal is consistent with the KLEP 2012 which zones the site B2 (Local Centre).
3.4 Integrating Land Use and Transport <u>Objective</u> (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:	Consistent. At this stage of the Planning Proposal, relevant State and Commonwealth public authorities have not yet been identified, and the Gateway Determination has yet to be issued

(a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	by the Minister for Planning and Infrastructure. Consultation will need to be undertaken with public authorities including Transport for New South Wales.
6.1 Approval and Referral Requirements <u>Objective</u> (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent. The Planning Proposal does not include provisions that require the concurrence, consultation or referral of future DAs to a Minister or Public Authority.
6.2 Reserving Land for Public Purposes <u>Objectives</u> (1) The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Consistent. Ku-ring-gai Council is the relevant public authority and the land is not a public reserve.
6.3 Site Specific Provisions <u>Objective</u> (1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent. The proposal does not contain any restrictive site specific planning controls.
7.1 Implementation of A Plan for Growing Sydney <u>Objective</u> (1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.	The potential development of the site for commercial or business purposes will contribute to meeting local commercial/retail needs in the Metropolitan Plan.

Should the Planning Proposal be supported at Gateway Determination, further detail on its consistency with the above Ministerial Directions will be provided following consultation with relevant public and private authorities.

Section C – Environmental, Social and Economic Impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The land does not contain any critical habitat or threatened species, populations or ecological communities, or their habitats,

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The KLEP 2012 contains biodiversity and riparian lands overlays. The site is not identified as containing any areas of biodiversity significance or any riparian lands. Accordingly, the Planning Proposal to reclassify land will not affect the biodiversity or riparian lands overlays and will not result in any additional environmental effects.

Any issues that may arise would be properly addressed during the assessment of any development application(s) on the subject land.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Yes. The reclassification of land will have social benefits for the community in that it will facilitate future development of the St Ives town centre for uses that are commensurate with its zoning and associated development controls under the KLEP 2012. The public interest is best served by the orderly and economic use of land for permissible purposes in a form which is cognisant of and does not impact unreasonably on development on surrounding land and which satisfies the need for economic development of the land.

In relation to the economic impacts, the Planning Proposal will allow Council to sell, exchange, or otherwise divest of or deal with the two parcels of land; this will enable the future upgrade and redevelopment of St Ives Shopping Village pursuant to the site's zoning under the KLEP 2012. The Planning Proposal will enable a positive public economic impact in facilitating the orderly and economic development of an under-utilised Council asset and consequential improvements to the public domain.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The proposal may result in a minor increase in demand for facilities in an existing urban area where all utility services are available.

Consultation with key agencies regarding infrastructure capacity to service the site was not undertaken prior to the lodgement of this Planning Proposal to the Department of Planning and Environment. Consultation will need to be undertaken with public authorities.

Consultation with State and Commonwealth agencies will be undertaken in accordance with Section 5 of this Planning Proposal.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

At this stage, the appropriate State and Commonwealth public authorities have not been identified or consulted, and the Gateway Determination has yet to be issued by the Minister for Planning and Environment. Consultation with the following Government authorities, agencies and other stakeholders in regard to this Planning Proposal are proposed to include:-

- Department of Planning and Environment
- Roads and Maritime Services NSW
- Sydney Water Corporation
- Ausgrid
- Transport for NSW

Council seeks confirmation of the above list through the Minister's Gateway Determination.



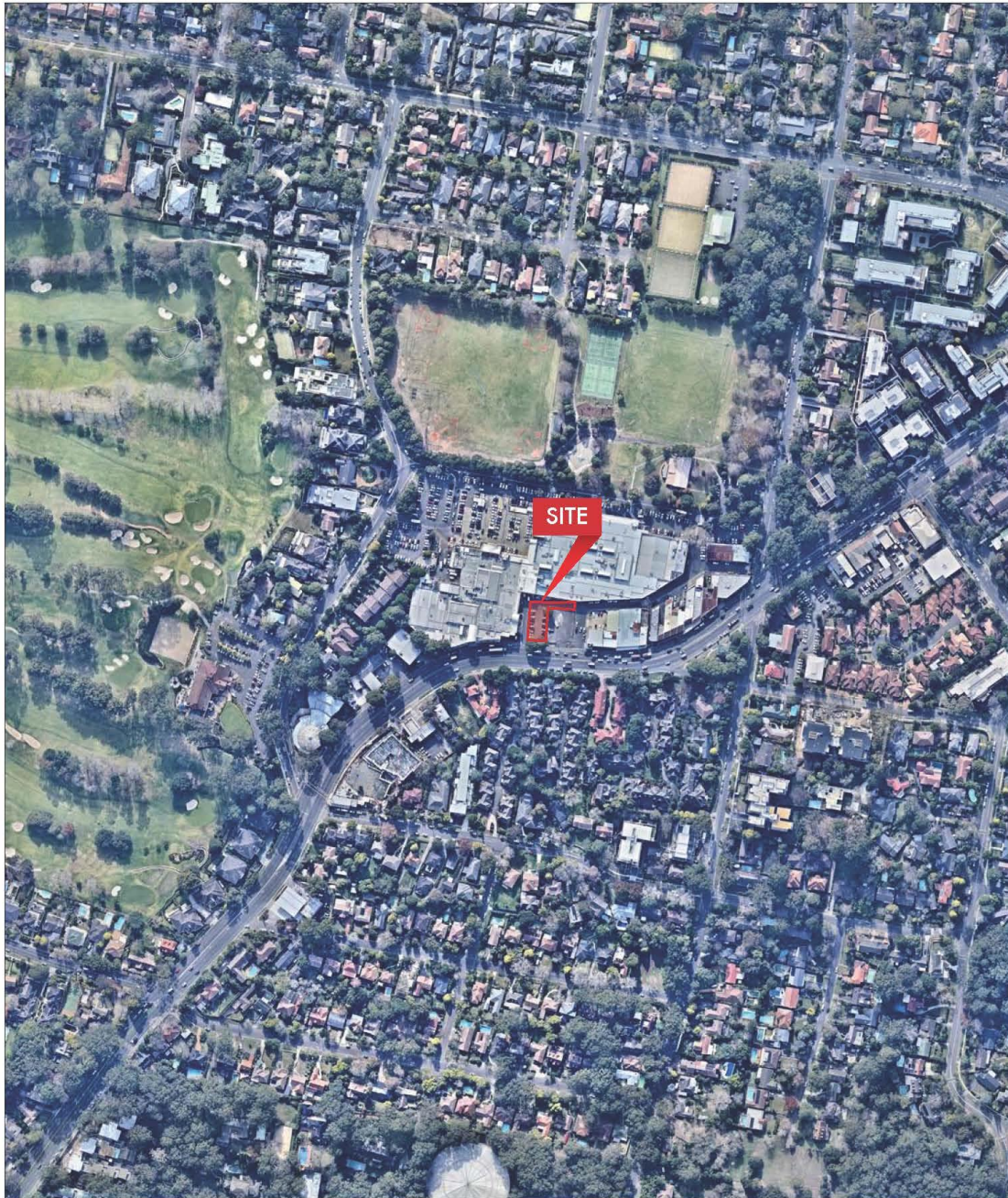


Source: NearMap 2016

PLANNING PROPOSAL FOR 176 MONA VALE ROAD
176 Mona Vale Road, St Ives

FIGURE 3A
Aerial Photo - Detail

Prepared For - Ku-ring-gai Council

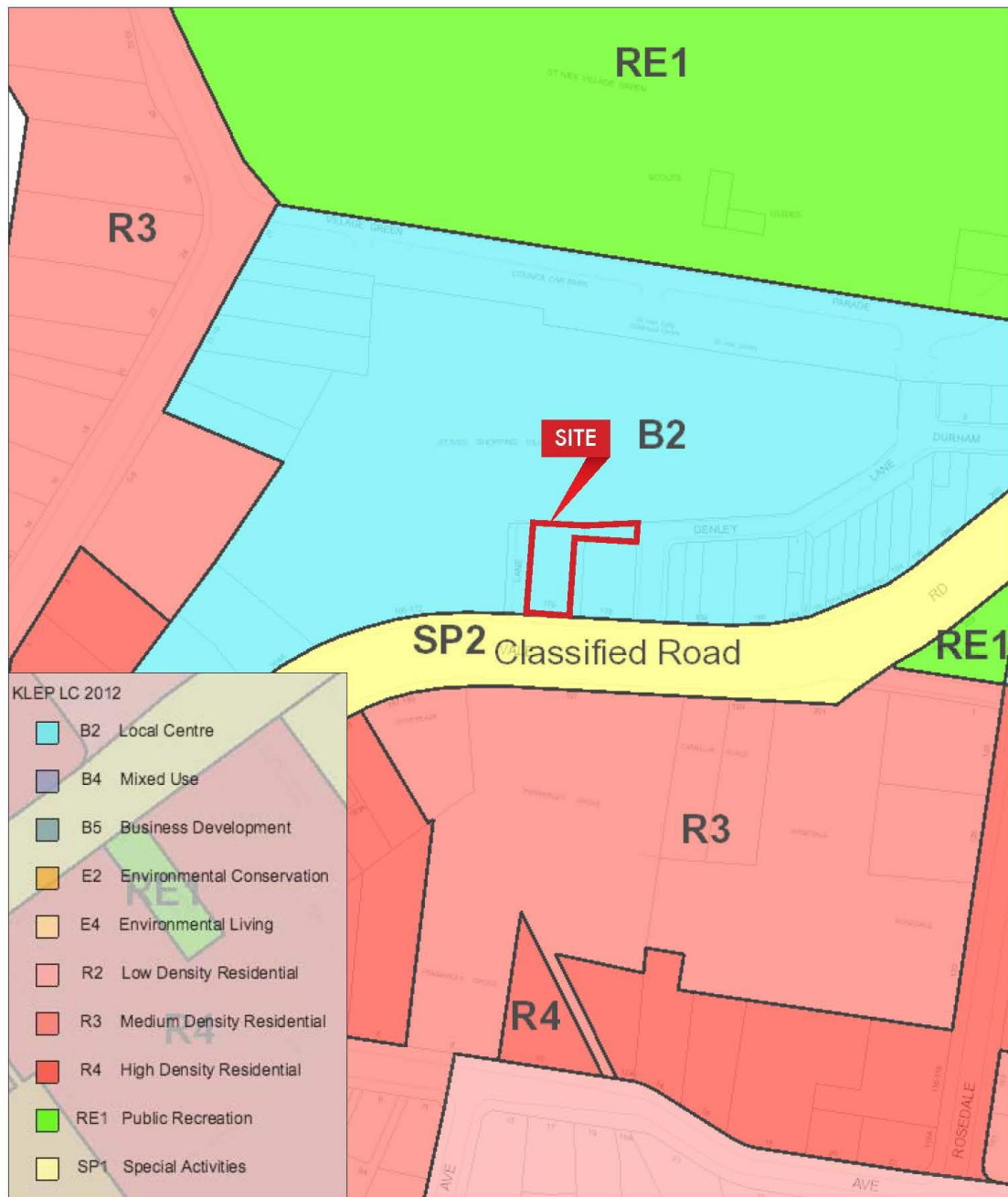


Source: NearMap 2016

PLANNING PROPOSAL FOR 176 MONA VALE ROAD
176 Mona Vale Road, St Ives

FIGURE 3B
Aerial Photo - Wider Area

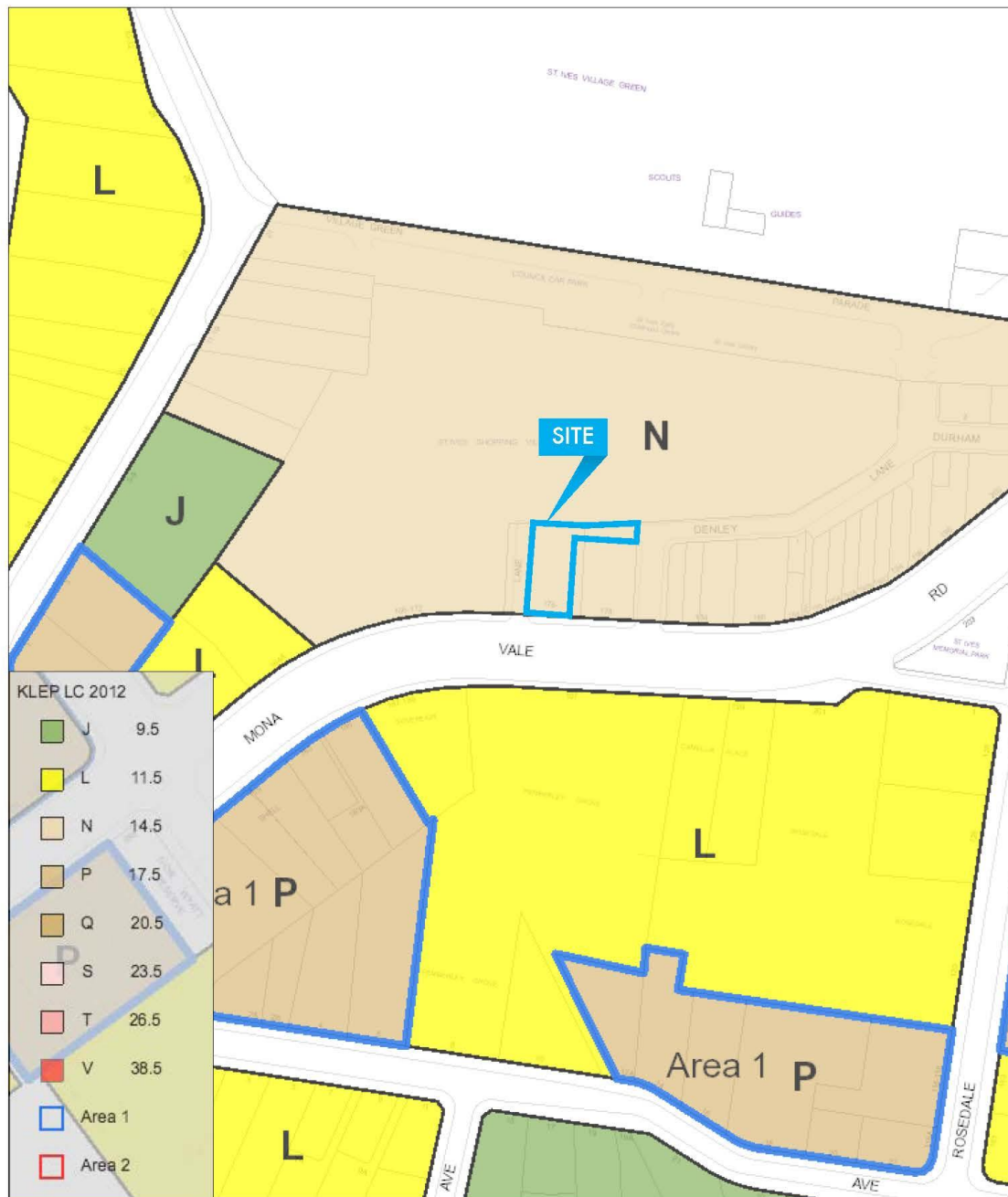
Prepared For - Ku-ring-gai Council



PLANNING PROPOSAL FOR 176 MONA VALE ROAD
176 Mona Vale Road, St Ives

FIGURE 4A
Zoning Map - Ku-ring-gai LEP (Local Centres) 2012

Prepared For - Ku-ring-gai Council



PLANNING PROPOSAL FOR 176 MONA VALE ROAD
176 Mona Vale Road, St Ives

FIGURE 4B
Height of Buildings Map - Ku-ring-gai LEP (Local Centres) 2012

Prepared For - Ku-ring-gai Council



PLANNING PROPOSAL FOR 176 MONA VALE ROAD
176 Mona Vale Road, St Ives

FIGURE 4C
Floor Space Ratio Map - Ku-ring-gai LEP (Local Centres) 2012

Prepared For - Ku-ring-gai Council

PART 5 - COMMUNITY CONSULTATION

Details of the community consultation that is to be undertaken on the planning proposal

Extensive community consultation on the Planning Proposal will be undertaken by Ku-ring-gai Council (subject to receiving a determination to proceed at Gateway) in accordance with the publication '*A Guide to Preparing Local Environmental Plans*', published by the Department of Planning. Community consultation will not be commenced prior to obtaining approval from the Minister or Director-General. The notification and consultation process will be initiated after the Section 55 submission has been sent to the Department of Planning and Environment.

Council's consultation methodology will include, but not be limited to, the following:-

- forwarding a copy of the Planning Proposal, the gateway determination and any relevant supporting studies or additional information to State and Commonwealth Public Authorities identified in the gateway determination;
- undertaking consultation if required in accordance with requirements of a Ministerial Direction under Section 117 of the EP&A Act and/or consultation that is required because, in the opinion of the Minister (or delegate), a State or Commonwealth public authority will be or may be adversely affected by the proposed amendments to the KLEP 2012;
- giving notice of the public exhibition in the main local newspaper (the North Shore Times);
- exhibiting the Planning Proposal in accordance with the gateway determination. It is assumed this would require an exhibition period of at least 28 days duration;
- exhibiting the Planning Proposal pursuant to Section 57 and all supporting documentation at Council's Administration Centre and on Council's website;
- notifying of the Planning Proposal's exhibition on Council's website, including providing copies of the Planning Proposal, all supporting studies and additional information and the gateway determination;
- notifying affected landowners and adjoining land owners where relevant;
- holding a Public Hearing under Section 29 of the Local Government Act 1993; and
- any other consultation methods deemed appropriate for the proposal.

Reclassification of Public Land

Pursuant to Section 55(3) of the EP&A Act, the Director-General may issue requirements with respect to the preparation of a planning proposal. In this regard, the NSW Department of Planning guideline '*A Guide to Preparing Local Environmental Plans*' establishes the Director-General's requirements regarding matters that must be addressed in the justification of planning proposals for the reclassification of public land. These requirements are addressed below.

a. Is the planning proposal the result of a strategic study or report?

Yes. As outlined in Section 4.1 of this Planning Proposal, Council resolved, at the Ordinary Meeting of Council held on 10 December 2013, to prepare a Planning Proposal to reclassify the land at 176 Mona Vale Road, St Ives from community land to operational land. The relevant strategic studies and reports supporting the planning proposal are discussed in Section 2.2 of this Planning Proposal.

b. Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

Yes. Ku-ring-gai Council has adopted a number of 'strategic' plans, including the following:-

- Ku-ring-gai Council Community Strategic Plan 2030;
- Ku-ring-gai Sustainability Vision 2008-2033;
- Ku-ring-gai Integrated Transport Strategy – July 2011;
- Ku-ring-gai Local Environmental Plan (Local Centres) 2012;
- Ku-ring-gai Local Centres DCP 2016;
- Ku-ring-gai Town Centres Public Domain Plan 2010.

These plans support the conclusions derived above and the Planning Proposal is considered to be consistent with the above plans/strategies.

c. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided.

Certificates of Title indicate that the following easements and restrictions apply to the land:

Land	Easements and Restrictions
Lot 103 DP 627012	Covenant in relation to the value of a building that can be built on the site; Right of carriageway affecting the land shown so burdened in the title diagram; Caveat by the Registrar General on the use of the site.
Lot 105 DP 629388	Right of carriageway appurtenant to the land above described.

At the Ordinary Meeting of Council held on 10 December 2013, Council resolved to formally seek to discharge all interests for the St Ives Shopping Village land holdings, including Lot 103 in Deposited Plan 627012 and Lot 105 in Deposited Plan 629388.

- d. **The concurrence of the landowner, where the land is not owned by the relevant planning authority.**

Ku-ring-gai Council is the landowner of the two parcels of land and endorses the preparation of this Planning Proposal for the reclassification of community land to operational land.

PART 6 PROJECT TIMELINE

It is anticipated that the Planning Proposal will take effect at March 2018. The timeline for the progression for this Planning Proposal is indicated in the following table.

Stage	Timing
Anticipated lodgement date	June 2017
Anticipated date for Gateway determination	21 July 2017
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	11 August 2017 28 days
Commencement and completion dates for public exhibition period	15 September 2017 – 13 October 2017 28 days exhibition Plus notification and advertisement period
Dates for public hearing	8 November 2017 21 days public notice
Timeframe for consideration of submissions and reporting post-exhibition	12 December 2017 4 weeks for consideration
Legal drafting	By end of February 2018 6 weeks
Anticipated date Relevant Planning Authority (RPA) (Ku-ring-gai Council) will forward to the Department of Planning and Environment	By end of March 2018



APPENDIX 1 - Ordinary Meeting of Council 10 December 2013

Attached



APPENDIX 2 – Land Title Documentation

Attached

APPENDIX 3 - Checklist of Consistency with SEPPs and Section 117 Directions

PART A: STATE ENVIRONMENTAL PLANNING POLICIES		Not relevant	Consistent
SEPP 1	Development Standards	✓	
SEPP 14	Coastal Wetlands	✓	
SEPP 19	Bushland in Urban Areas	✓	
SEPP 21	Caravan Parks	✓	
SEPP 30	Intensive Agriculture	✓	
SEPP 33	Hazardous and Offensive Development	✓	
SEPP 36	Manufactured Home Estates	✓	
SEPP 44	Koala Habitat Protection	✓	
SEPP 47	Moore Park Showground	✓	
SEPP 50	Canal Estate Development	✓	
SEPP 52	Farm Dams and other Works in Land and Water Management Plan Areas	✓	
SEPP 55	Remediation of Land		✓
SEPP 62	Sustainable Aquaculture	✓	
SEPP 64	Advertising and Signage	✓	
SEPP 65	Design Quality of Residential Flat Development	✓	
SEPP 70	Affordable Housing (Revised Schemes)	✓	
SEPP 71	Coastal Protection	✓	
SEPP	Housing for Seniors or People with a Disability 2004	✓	
SEPP	Building Sustainability Index: Basix 2004	✓	

SEPP	Major Development	✓	
SEPP	Mining, Petroleum Production and Extractive Industries	✓	
SEPP	Temporary Structures 2007	✓	
SEPP	Infrastructure 2007	✓	
SEPP	Affordable Rental Housing 2009	✓	
SEPP	Exempt and Complying Development Codes 2008	✓	
PART B: REGIONAL ENVIRONMENTAL PLANS		Not relevant	Consistent
SREP 20	Hawkesbury-Nepean River		✓
PART C: DIRECTIONS UNDER S117(2)		Not relevant	Consistent
			Justifiably inconsistent
PART 1 – GENERAL DIRECTIONS			
1. Employment and Resources			
1.1	Business and Industrial Zones	✓	
1.2	Rural Zones	✓	
1.3	Mining, Petroleum production and Extractive Industries	✓	
1.4	Oyster Aquaculture	✓	
1.5	Rural Lands	✓	
2. Environment and Heritage			
2.1	Environment Protection Zones	✓	
2.2	Coastal Protection	✓	
2.3	Heritage Conservation	✓	
2.4	Recreation Vehicle Areas	✓	
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	✓	
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	✓	
3.2	Caravan Parks and Manufactured Home Estates	✓	
3.3	Home Occupations	✓	

PART C: DIRECTIONS UNDER S117(2)	Not relevant	Consistent	Justifiably inconsistent
3.4 Integrating Land Use and Transport		✓	
3.5 Development Near Licensed Aerodromes	✓		
3.6 Shooting Ranges	✓		
4. Hazard and Risk			
4.1 Acid Sulfate Soils	✓		
4.2 Mine Subsidence and Unstable Land	✓		
4.3 Flood Prone Land	✓		
4.4 Planning for Bushfire Protection	✓		
5. Regional Planning			
5.1 Implementation of Regional Strategies	✓		
5.2 Sydney Drinking Water Catchments	✓		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	✓		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	✓		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	✓		
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	✓		
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	✓		
5.8 Second Sydney Airport: Badgerys Creek	✓		
5.9 North West Rail Link Corridor Strategy	✓		
5.10 Implementation of Regional Plans		✓	
6. Local Plan Making			
6.1 Approval and Referral Requirements		✓	
6.2 Reserving Land for Public Purposes		✓	
6.3 Site Specific Provisions		✓	
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney		✓	
7.2 Implementation of the Greater Macarthur Land Release Investigation	✓		
7.3 Parramatta Road Corridor Urban Transformation Strategy	✓		



APPENDIX 4 - Requirements of LEP Practice Note PN 16-001

Classification and reclassification of public land through a Local Environmental Plan

Checklist Planning Proposal to reclassify from Community Land to Operational Land the properties known as:

Checklist Planning Proposal to reclassify from Community Land to Operational Land the properties known as 179 Mona Vale Road, St Ives

Checklist Matter	Response
The current and proposed classification of the land	The land is currently Community land it is proposed to be reclassified Operational land. This information is found in Part 1 of this Planning Proposal
Whether the land is a 'public reserve' (defined in the LG Act)	The land is not a public reserve under the Local Government Act.
The strategic and site specific merits of the reclassification and evidence to support this	This information is found in Part 1 and Part 2 of this Planning Proposal.
Whether the planning proposal is the result of a strategic study or report	The relevant strategic studies and reports supporting the planning proposal are discussed in Part 3, Section B of this Planning Proposal As outlined in Section 1.1 of this Planning Proposal, Council resolved, at the Ordinary Meeting of Council held on 10 December 2013, to prepare a Planning Proposal to reclassify the land at 176 Mona Vale Road, St Ives from community land to operational land.
Whether the planning proposal is consistent with council's community plan or other local strategic plan	This information is found in Part 3, Section B of this Planning Proposal. The Planning Proposal is considered to be consistent with the following adopted 'strategic' plans:- • Ku-ring-gai Council Community Strategic Plan 2030; • Ku-ring-gai Sustainability Vision 2008-2033; • Ku-ring-gai Integrated Transport Strategy – July 2011; • Ku-ring-gai Local Environmental Plan

	(Local Centres) 2012; • Ku-ring-gai Local Centres DCP 2016; • Ku-ring-gai Town Centres Public Domain Plan 2010.						
A summary of council's interests in the land, including: -how and when the land was first acquired	This information is found in Section 1.3 of this Planning Proposal. The land is held in freehold title. Lot 103 in DP 627012 was part of a larger parcel of land acquired by Council in 1961. Lot 105 in DP 629388 was acquired by Ku-ring-gai Council in 1987.						
If council does not own the land, the land owner's consent;	Council is the landowner, refer to Title Searches in Appendix 2 of this Planning Proposal.						
The nature of any trusts, dedications etc.;	Certificates of Title indicate that the following easements and restrictions apply to the land: <table border="1" data-bbox="810 1048 1385 1518"> <thead> <tr> <th>Land</th><th>Easements and Restrictions</th></tr> </thead> <tbody> <tr> <td>Lot 103 DP 627012</td><td> Covenant in relation to the value of a building that can be built on the site; Right of carriageway affecting the land shown so burdened in the title diagram; Caveat by the Registrar General on the use of the site. </td></tr> <tr> <td>Lot 105 DP 629388</td><td>Right of carriageway appurtenant to the land above described.</td></tr> </tbody> </table>	Land	Easements and Restrictions	Lot 103 DP 627012	Covenant in relation to the value of a building that can be built on the site; Right of carriageway affecting the land shown so burdened in the title diagram; Caveat by the Registrar General on the use of the site.	Lot 105 DP 629388	Right of carriageway appurtenant to the land above described.
Land	Easements and Restrictions						
Lot 103 DP 627012	Covenant in relation to the value of a building that can be built on the site; Right of carriageway affecting the land shown so burdened in the title diagram; Caveat by the Registrar General on the use of the site.						
Lot 105 DP 629388	Right of carriageway appurtenant to the land above described.						
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why	At the Ordinary Meeting of Council held on 10 December 2013, Council resolved to formally seek to discharge all interests for the St Ives Council land holdings as set out in the Planning Proposal, including those interests affecting Lot 103 DP 627012 and Lot 105 DP 629388 identified above.						
The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);	This information is found in Section 1.3 of this Planning Proposal This Planning Proposal, when finalised, will discharge any trusts, estates, interests, dedications, conditions, easements, restrictions, or covenants affecting the land						

	holdings.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);	Refer to electronic title searches contained in Appendix 2 indicating status of the land.
Current use(s) of the land, and whether uses are authorised or unauthorised;	This information is found in Section 1.3 of this Planning Proposal. The land is currently used for car parking and access.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	There are no current or proposed leases or agreements applying to the land.
Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/ reclassification or at a later time);	There are no current or proposed business dealings associated with this land.
Any rezoning associated with the reclassification;	No rezoning of the land is proposed.
How council may or will benefit financially, and how these funds will be used;	This Planning Proposal will enable Council to sell, exchange, or otherwise divest or deal with the two parcels of land to assist in facilitating the redevelopment of the St Ives Shopping Centre, whilst capitalising on the returns to Council and the potential community benefits including community facilities. Any divestment of this property would be conducted in accordance with the procedures outlined in Council's Acquisition and Divestment of Land Policy (September 2009) and with relevant provisions of the Local Government Act 1993. The future divestment of the site would be the subject of a separate report to Ku-ring-gai Council following the proposed reclassification.
How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant	The Planning Proposal will enable a positive public economic impact in facilitating the orderly and economic development of a Council asset and consequential

to the proposal;	improvements to the public domain.
Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and	Not applicable, as no part lots are affected by this proposed reclassification.
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable	There are no preliminary comments from Government Agencies. The land was acquired by negotiation from private individuals at market value.



LEP practice note

LOCAL PLANNING

Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- *Community* land – is land council makes available for use by the general public, for example, parks, reserves or sports grounds.
- *Operational* land – is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

What is public land?

Public land is defined in the LG Act as any land (including a *public reserve*) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council's strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased,

but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

Classification of public land occurs when it is first acquired by a council and classified as either community or operational.

Reclassification of public land occurs when its classification is changed from community to operational, or from operational to community.

Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP is the mechanism with which council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land (LG Act s.30).

It is critical that all interests are identified upfront as part of any planning proposal. If public land is reclassified from community to operational, without relevant interests being identified and discharged, then the land will need to be reclassified back to community (usually by council resolution under LG Act s.33¹) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

Public reserve is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel.

Interests in land refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else's land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

¹ Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).

Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(l)).

Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at:
<http://www.planning.nsw.gov.au>

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.
Tel: 1300 305 695
Email: information@planning.nsw.gov.au

Authorised by:
Carolyn McNally
Secretary

Important note: This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

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ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*.

Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- ☐ the current and proposed classification of the land;
- ☐ whether the land is a 'public reserve' (defined in the LG Act);
- ☐ the strategic and site specific merits of the reclassification and evidence to support this;
- ☐ whether the planning proposal is the result of a strategic study or report;
- ☐ whether the planning proposal is consistent with council's community plan or other local strategic plan;
- ☐ a summary of council's interests in the land, including:
 - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)
 - if council does not own the land, the land owner's consent;
 - the nature of any trusts, dedications etc;
- ☐ whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- ☐ the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);
- ☐ evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);
- ☐ current use(s) of the land, and whether uses are authorised or unauthorised;
- ☐ current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- ☐ current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);
- ☐ any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- ☐ how council may or will benefit financially, and how these funds will be used;
- ☐ how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;
- ☐ a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and
- ☐ preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

APPENDIX 5 – Stage 2 Detailed Site Investigation

Attached